

**REMARKS**

Reconsideration of this application is requested. Claims 1-18 and 24-39 are in the case.

**I. THE 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTION**

It is noted, with appreciation, that this rejection has been withdrawn.

**II. THE 35 U.S.C. § 112, FIRST PARAGRAPH, REJECTION**

It is noted, with appreciation, that this rejection has been withdrawn.

**III. THE 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTION**

It is noted, with appreciation, that this rejection has been withdrawn.

**IV. DOUBLE PATENTING**

It is noted, with appreciation, that this rejection has been withdrawn.

**V. THE OBVIOUSNESS REJECTION**

Claims 1-15, 17, 18, 24, 25, 35-37 and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent 4,959,373 to Lubisch et al. That rejection is respectfully traversed.

On page 3 of the Action, the Examiner has essentially required Applicants to disclaim all compounds wherein B-CR<sup>5</sup>R<sup>6</sup>-A forms a C<sub>2</sub>-C<sub>4</sub> alkylene group. While Applicants do not wish to limit the claims to such an extent, proviso (a) has been

amended to specify that when  $R^7$  is alkyl optionally substituted with a group selected from  $C_1$ - $C_4$  alkyl, halogen or  $C_1$ - $C_4$  alkoxy, then  $B-CR^5R^6-A$  does not represent a  $C_2$ - $C_4$  alkylene group. The reasoning for this proposed proviso language is as follows.

Lubisch does not disclose phenyl which can be substituted by anything at any position, but rather discloses optionally *PARA*-substituted phenyl where the optional substituent is chosen from  $C_1$ - $C_4$  alkyl, halogen or  $C_1$ - $C_4$  alkoxy (see page 1, lines 59-60 of Lubisch). Based on this disclosure, Applicants have disclaimed those compounds and wherein  $B-CR^5R^6-A$  forms a  $C_2$ - $C_4$  alkylene group.

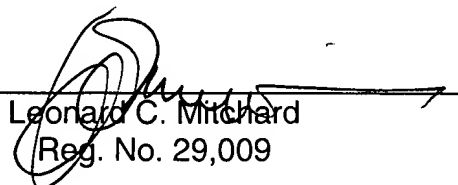
In light of the above, a person of ordinary skill would not have been motivated to arrive at compounds falling within the scope of the presently claimed invention based on the Lubisch disclosure. Absent any such motivation, it is clear that a *prima facie* case of obviousness is not generated by Lubisch. Withdrawal of the outstanding obviousness rejection based on that reference is accordingly respectfully requested.

Allowance of the application is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Leonard C. Mitchard  
Reg. No. 29,009

LCM:lfm  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100